

### REMARKS

In the above-identified reissue application, the Preliminary Amendment that was filed on February 27, 2002 was objected to as not being compliant. At the time that Amendment was filed with the U.S. Patent and Trademark Office (2002), it is believed that the Amendment was compliant as the current status identifiers were not required. The Office will recall that the Preliminary Amendment to which I refer, together with the file of Application No. 09/128,705 filed August 4, 1998, had been lost by the Office. The Office then requested a copy of the correspondence between the Office and Applicant to reconstruct the file. See Response to Notice Under 37 C.F.R. 1.251 filed March 21, 2006, copy attached. Accordingly, it is believed that the Notice of a Non-Compliant Amendment is improper and should be withdrawn. Had the Office not lost the file, this entire matter would have been completed years ago. Nevertheless, and to avoid a possible abandonment of this application, Applicant has prepared and is re-filing the Preliminary Amendment (as a Supplemental Preliminary Amendment), insofar as it pertains to the claims, so as to be compliant with the current rules. As the Notice of Non-Compliant Amendment was silent with respect to the Specification, it is assumed that the amendment to the specification requested in the original Preliminary Amendment has been accepted. If the undersigned is in error in this regard, and the matter was simply overlooked by the Patent Office, it is respectfully

requested that the Office reconsider its entire Notice of Non-Compliant Amendment in view of the fact that the Amendment was compliant at the time of filing.

It is hoped that this re-filing of the Preliminary Amendment will put this matter back on course and it is respectfully requested that every effort be made to expedite the prosecution of this application which has been delayed substantially through no fault of the Applicant. If any compliancy issues remain, it is respectfully requested that the undersigned be contacted by telephone at (213) 896-2510 so that any further delay in the prosecution of this matter is avoided.

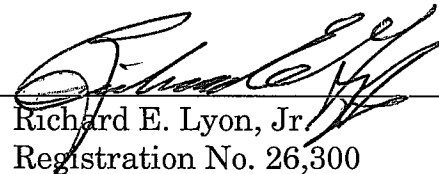
Respectfully submitted,

HOLLAND & KNIGHT LLP

Dated: July 30, 2008

633 West Fifth Street, 21<sup>st</sup> Floor  
Los Angeles, California 90071-2040  
Telephone: (213) 896-2400  
Facsimile: (213) 896-2450  
E-mail: PTdocketing@hklaw.com  
Customer No. 34261

By



Richard E. Lyon, Jr.  
Registration No. 26,300  
Attorneys for Applicant

OCT2004

# 5511239\_v1